

REMARKS

The applicant's undersigned counsel thanks Examiner Kuhns for his careful and thorough examination of the present application, and also for the very courteous telephone interview conducted December 1, 2006. The Applicant has amended the application to cancel non-elected claims, to amend claims 42 and 56 to specify the liner comprises or is made of, respectively, semi-rigid viscoelastic foam, to rewrite claim 56 in independent form, and canceling without prejudice claims 46-49. No new matter has been entered.

Claims 42-50 and 56 have been rejected under 35 USC § 112, second paragraph on the ground that the metes and bounds of the claims are unclear, because "any liner which is custom fitted to a wearer's head will attenuate, at least to some degree, the force of impact resulting from an impact velocity of from 2-7 m/sec." During the telephone interview, it was explained that the limitation in question means that the claimed liner is effective to attenuate impacts *anywhere* in the recited range, and not just *somewhere* within that range, which is believed to be the point of the Examiner's rejection. Accordingly, the limitation is not unclear, because it limits the claimed liner to one that is effective to attenuate impact force across the *entire* recited range, as opposed to conventional liners that are typically effective at one end or the other of the recited range, but not across the entire range. Accordingly, the Section 112, second paragraph rejection of the claims is respectfully submitted to be overcome.

Claim 51 has been objected-to as being of improper dependent form. This claim has been canceled, thus obviating the ground of rejection.


The claims have been rejected under 35 USC § 102(b) as being anticipated by Tirums. The claims (independent claims 42 and now 56) have been amended to specify that the liner comprises or is made of semi-rigid viscoelastic foam. Tirums nowhere discloses such a material for the liner disclosed therein. Accordingly, it was agreed during the interview that the present rejection would be overcome by the claims so-amended.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is now in condition for allowance, and early notice to that effect is respectfully requested.

If any fees are required by this communication, please charge the same to our Deposit Account No. 16-0820, Order No. 35202US1.

Respectfully submitted,

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